



claim under Sections 392.301(a)(8), 392.302(4) and 392.303(a)(2), and Plaintiffs' claim of tortious interference with a contract, DENIED as to Plaintiffs' breach of contract claim based on a breach of the mortgage documents that they were not given adequate notice and an opportunity to cure, Plaintiffs' negligent misrepresentation claim against Bank of America, Plaintiffs' TDCA claims under Sections 392.304(a)(8) and (a)(19), Plaintiffs' suit to quiet title and trespass to try title, and Plaintiffs' request for declaratory judgment and accounting and DENIED as MOOT as to Plaintiffs' allegations of malice.


The court has made a *de novo* review of the objections raised by Plaintiffs and is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Defendants' Motion to Dismiss (Dkt. 26) is GRANTED as to Plaintiffs' claim of breach of contract based on breach of oral loan modification, waiver, anticipatory breach, breach of duty of good faith and fair dealing, and any breach of contract claim against Fannie Mae, Plaintiffs' claim of breach of common law tort of unreasonable collection efforts; Plaintiffs' negligent misrepresentation claim against Fannie Mae and BAC, Plaintiffs' TDCA claim under Sections 392.301(a)(8), 392.302(4) and 392.303(a)(2), and Plaintiffs' claim of tortious interference with a contract, DENIED as to Plaintiffs' breach of contract claim based on a breach of the mortgage documents that they were not given adequate notice and an opportunity to cure, Plaintiffs' negligent misrepresentation claim against Bank of America, Plaintiffs' TDCA claims under Sections

392.304(a)(8) and (a)(19), Plaintiffs' suit to quiet title and trespass to try title, and Plaintiffs' request for declaratory judgment and accounting and DENIED as MOOT as to Plaintiffs' allegations of malice.

**IT IS SO ORDERED.**

**SIGNED this the 27th day of September, 2012.**

  
\_\_\_\_\_  
RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE